

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

GROUPE DYNAMITE INC.,

Debtor in a Foreign Proceeding

In re:

GRG USA HOLDINGS INC.,

Debtor in a Foreign Proceeding

In re:

GRG USA LLC,

Debtor in a Foreign Proceeding

**MOTION FOR ORDER (I) DIRECTING JOINT ADMINISTRATION
OF CASES UNDER CHAPTER 15 OF THE BANKRUPTCY CODE AND
(II) AUTHORIZING FOREIGN REPRESENTATIVE TO FILE CONSOLIDATED
LISTS OF INFORMATION REQUIRED BY BANKRUPTCY RULE 1007(A)(4)**

Groupe Dynamite Inc., in its capacity as the authorized foreign representative (the “Foreign Representative”) of the above-captioned debtors (collectively, the “Debtors”), which are the subject of jointly-administered proceedings under the Companies’ Creditors Arrangement Act, R.S.C. 1985, c. C-36 (as amended, the “CCAA”) in the Superior Court of Quebec, Commercial Division (the “Canadian Proceedings”), respectfully submits this motion (this “Motion”) requesting entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Order”): (a) directing joint administration of the Debtors’ related chapter 15 cases, pursuant to rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy

Rules”), for procedural purposes only; and (b) authorizing the Foreign Representative to file consolidated lists of information required by Bankruptcy Rule 1007(a)(4). In support of this Motion, the Foreign Representative respectfully states as follows.¹

Relief Requested

1. The Foreign Representative seeks entry of an order directing joint administration of these chapter 15 cases for procedural purposes only. Specifically, the Foreign Representative requests that the Court maintain one file and one docket for all of the Debtors’ chapter 15 cases under the case number assigned to Debtor Groupe Dynamite Inc. and that these chapter 15 cases be administered under the following caption:

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

)	
In re:)	Chapter 15
)	
GROUPE DYNAMITE INC., <i>et al.</i> ,)	Case No. 20-12085 (CSS)
)	
Debtors in a Foreign Proceeding. ²)	(Jointly Administered)
)	
)	

2. The Foreign Representative further requests that the Court order that the

¹ A detailed description of the Debtors and their business and the facts and circumstances supporting this Motion and these chapter 15 cases are set forth in (a) the *Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Related Relief Under Chapter 15 of the Bankruptcy Code* (the “Verified Petition”), (b) the *Declaration of Foreign Representative Pursuant to 11 U.S.C. § 1515 and Rule 1007(a)(4) of the Federal Rules of Bankruptcy Procedure and in Support of Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Related Relief Under Chapter 15* (the “Lutfy Declaration”), and (c) the *Declaration of Alain N. Tardif in Support of Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Related Relief Under Chapter 15* (the “Tardif Declaration”), filed contemporaneously herewith and incorporated by reference herein. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Verified Petition.

² The last four digits of the Debtors’ tax identification number are as follows: (a) Groupe Dynamite Inc. (4210); (b) GRG USA Holdings Inc. (4293); and (c) GRG USA LLC (4008). Additional case information can be obtained on the website of the Debtors’ claims and noticing agent at

foregoing caption satisfies the requirements set forth in section 342(c)(1) of the Bankruptcy Code.

3. The Foreign Representative also seeks the Court's direction that a notation substantially similar to the following be entered on the docket in each of these chapter 15 cases, other than on the docket of the case of Groupe Dynamite Inc., to reflect the joint administration of these cases:

An order has been entered in this case directing the procedural consolidation and joint administration of the chapter 15 cases of: Groupe Dynamite Inc. (20-12085-CSS); GRG USA Holdings Inc. (20-12084-CSS); and GRG USA LLC (20-12083-CSS). The docket in Case No. 20-12085 (CSS) should be consulted for all matters affecting this case. **All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 20-12085 (CSS).**

4. Further, the Foreign Representative requests that the Court authorize the Debtors to utilize a combined service list for the jointly administered cases and that combined notices be sent to creditors of the Debtors' estates and other parties in interest as applicable.

Jurisdiction and Venue

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. The Debtors confirm their consent, pursuant to Bankruptcy Rule 7008, to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution. Recognition of a foreign proceeding and other matters under chapter 15 of the Bankruptcy Code are core matters under 28 U.S.C. § 157(b)(2)(P).

<https://cases.omniagentsolutions.com/groupedynamite>. The location of the Debtors' service address for

6. These chapter 15 cases have been properly commenced pursuant to section 1504 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), by the filing of petitions for recognition of the Canadian Proceedings under section 1515 of the Bankruptcy Code.

7. Venue is proper pursuant to 28 U.S.C. § 1410(1) and (3).

8. The bases for relief are sections 101(2) and 105(a) of the Bankruptcy Code, Bankruptcy Rules 1015(b) and 1007(a)(4), and rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

Basis for Relief

I. Joint Administration.

9. Bankruptcy Rule 1015(b) provides that the Court may order joint administration of the cases if two or more petitions for relief are pending in the same court by or against a debtor and its affiliate. The Debtors are “affiliates” as the Bankruptcy Code defines that term in section 101(2).

10. Additionally, Local Rule 1015-1 provides that this Court may order joint administration without notice or a hearing upon the filing of a motion requesting such joint administration and an affidavit or verification establishing that joint administration is warranted and will ease the administrative burden for the Court and the parties.

11. Joint administration will be an administrative convenience for the Court, the clerk’s office, and other interested parties. Entry of an order directing joint administration of these chapter 15 cases will avoid duplicative notices and motions, thereby saving the Debtors,

purposes of these chapter 15 cases is 5592 Ferrier Street, Montreal, Quebec, Canada, H4P 1M2.

the Foreign Representative, and all other parties in interest considerable time and expense. This Motion will not adversely affect the rights of creditors because it requests only administrative consolidation of these chapter 15 cases. Joint administration will not affect any claims, interests, or other rights that creditors have in or against a particular Debtor and will permit creditors to look to one bankruptcy case docket with regard to relief that may be sought or ordered with respect to the Debtors. This Motion will also relieve the Court of the burden of entering duplicative orders and maintaining duplicative files.

12. Courts in this district and others have approved joint administration relief similar to that requested herein in other chapter 15 cases. *See, e.g., In re CDS U.S. Holdings, Inc.*, No. 20-11719 (CSS) (Bankr. D. Del. July 20, 2020); *In re Mundo Media Ltd.*, No. 19-11365 (KBO) (Bankr. D. Del. June 19, 2019); *In re Agrokor D.D.*, No. 18-22806 (MG) (Bankr. S.D.N.Y. July 13, 2018); *In re Mood Media Corp.*, No. 17-11413 (MEW) (Bankr. S.D.N.Y. May 23, 2017); *In re Electo Sonic Inc.*, No. 14-10240 (MFW) (Bankr. D. Del. Feb. 11, 2014).

13. The Foreign Representative submits that joint administration of these chapter 15 cases is in the best interests of the Debtors, their creditors, and all other interested parties and that no conflict of interest should arise as a result of joint administration. Separate administration of these chapter 15 cases would subject the Debtors (which would be forced to file documents on numerous dockets) and creditors (which would be forced to monitor numerous dockets) to unnecessary administrative burdens. For all of the foregoing reasons, the Foreign Representative respectfully requests the entry of an order providing for the joint administration of these chapter 15 cases.

II. Consolidated Bankruptcy Rule 1007(a)(4) List.

14. The Court should also permit the Foreign Representative to file information required by Bankruptcy Rule 1007(a)(4) on a consolidated basis across all Debtors. In pertinent part, Bankruptcy Rule 1007(a)(4) provides as follows:

a foreign representative filing a petition for recognition under Chapter 15 shall file with the petition: . . . (B) unless the court orders otherwise, a list containing the names and addresses of all persons or bodies authorized to administer foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and all entities against whom provisional relief is being sought under [section] 1519 of the [Bankruptcy] Code.

15. The Debtors submit that the filing of a consolidated Bankruptcy Rule 1007(a)(4) list will be more efficient and that no interested parties will be prejudiced if schedules containing the same information are filed on a consolidated basis. Accordingly, the Foreign Representative seeks authority to file a consolidated list that identifies the names and addresses of those persons authorized to administer the Canadian Proceedings, parties to litigation pending in the United States in which a Debtor is a party, and all entities against whom provisional relief is being sought.

16. Additionally, there are several thousand creditors and parties in interest on the Consolidated 1007(a)(4) List. Therefore, the Foreign Representative requests authority to maintain the Consolidated 1007(a)(4) List with its claims and noticing agent, which will maintain the list on at <https://cases.omniagentsolutions.com/groupedynamite>.

17. Courts have approved the filing of consolidated Bankruptcy Rule 1007(a)(4) lists in other chapter 15 cases. *See, e.g., In re CDS U.S. Holdings, Inc.*, No. 20-11719 (CSS) (Bankr. D. Del. July 20, 2020); *In re Mundo Media Ltd.*, No. 19-11365 (KBO) (Bankr. D. Del. June 19, 2019); *In re Kraus Carpet Inc.*, No. 18-12057 (KG) (Bankr. D. Del. Sept. 12, 2018); *In re*

Agrokor D.D., No. 18-22806 (MG) (Bankr. S.D.N.Y. July 13, 2018); *In re Edcon Holdings Ltd.* No. 16-13475 (SCC) (Bankr. S.D.N.Y. Dec. 14, 2016).

Notice

18. The Foreign Representative requests that the Court grant this Motion without notice. The Foreign Representative will serve notice of entry of the order in accordance with the procedures set forth in the *Motion for Order Scheduling Recognition Hearing and Specifying Form and Manner of Service of Notice*, filed contemporaneously herewith, consistent with Bankruptcy Rule 2002(q) and Local Rule 9013-1(m). In light of the nature of the relief requested, the Foreign Representative requests that this Court find that no further notice is required.

No Prior Request

19. No previous request for the relief requested herein has been made to this or any other court.

[Remainder of page intentionally left blank.]

WHEREFORE the Foreign Representative respectfully requests that this Court enter the Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: September 8, 2020
Wilmington, Delaware

/s/ Laura Davis Jones

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